

DEPUTY LEADER AND CABINET MEMBER FOR HIGHWAYS, STREETSCENE AND BROADBAND – COUNCILLOR JOHN THOMSON

HIGHWAYS AND TRANSPORT SERVICE

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REFERENCE: HSB-012-14

**REVOCATION OF PROHIBITION OF CYCLING BYELAWS
VARIOUS LOCATIONS, SALISBURY**

Purpose of Report

1. To:
 - (i) Consider objections to the proposed revocation of prohibition of cycling byelaws covering School Lane, Salisbury and the footbridges linking Marlborough Road to Victoria Road, Salisbury.
 - (ii) Recommend the making of the Traffic Regulation Order (TRO) as advertised.

Relevance to the Council's Business Plan

2. The proposed TRO meets two key priorities of the Council's Business Plan. Those priorities being:
 - Outcome 2 – People in Wiltshire work together to solve problems locally and participate in decisions that affect them; and
 - Outcome 5 – People in Wiltshire have healthy, active and high-quality lives
3. Outcome 2 has been met through development of the proposals in conjunction with the Salisbury Cycle Liaison Panel (CLP), a local consultative forum run by Wiltshire Council which specifically looks to promote measures to improve the local cycle network.
4. If implemented the proposals would meet Outcome 5. The revocation of the prohibition of cycling byelaws would help to provide improved cycling routes in Salisbury. The provision of improved cycle routes will help people in Wiltshire to live healthy and active lives.

Background

5. School Lane is located in Salisbury City Centre, within the St. Edmund and Milford ward. School Lane is accessed via Belle Vue Road at its northern end and via Bedwin Street at its southern end. School Lane serves as a pedestrian link between the aforementioned roads and provides pedestrian access to College Street Car Park, Salisbury Arts Centre and The Farringdon Centre (a small school for up to 20 pupils).
6. Marlborough Road and Victoria Road are located to the north of Salisbury City Centre. Marlborough Road is just inside the A36(T) Churchill Way (North) Ring Road in the St. Edmund and Milford Ward. Victoria Road is just outside the A36(T) Churchill Way (North) Ring Road in the St. Francis and Stratford Ward. The pedestrian route between Marlborough Road and Victoria Road, aside from linking the aforementioned roads, serves as a route to/from the City Centre. The route between Marlborough Road and Victoria Road primarily consists of two footbridges; one spanning the A36(T) Churchill Way (North) Ring Road and one spanning the railway line.

7. The prohibition of cycling byelaws that are proposed to be revoked were introduced in 1953. At the time of their introduction the link between Marlborough Road and Victoria Road was by virtue of a footpath that linked into the footbridge spanning the railway line. However, the construction of the A36(T) Churchill Way Ring Road in the 1970s removed the footpath linking into the footbridge spanning the railway line, replacing it with the footbridge currently in situ. The Highways Agency that is responsible for the construction of the A36(T) Churchill Way Ring Road and the aforementioned footbridge (and is still responsible for their management) never updated the prohibition of cycling byelaws to reflect this change. Effectively, this means that the footbridge spanning the A36(T) Churchill Way Ring Road at this location has never been, and is not currently, subject to a prohibition of cycling. Therefore, with regard to the link between Marlborough Road and Victoria Road the effective extent of the prohibition of cycling in place is the length of the footbridge spanning the railway line.
8. The Highways Agency has, over the past 10 years, been working in partnership with first Wiltshire County Council and latterly Wiltshire Council to remove prohibition of cycling orders from around the A36(T) Churchill Way Ring Road to provide improved routes for cyclists. The Highways Agency work has focused on removing such prohibitions from the underpasses around the A36(T) Churchill Way Ring Road. Following on from the work undertaken by the Highways Agency the CLP, in conjunction with Wiltshire Council Highways Officers, has been working to remove prohibitions of cycling from areas under its control. Such prohibitions have already been removed from Town Path, The Friary and Exeter Street underpasses.
9. The CLP identified the prohibitions of cycling covering School Lane and the footbridge spanning the railway line situated between Marlborough Road and Victoria Road as restrictions that could possibly be removed. Highways officers agreed, and duly prepared, a TRO proposing the revocation of the prohibition of cycling byelaws from the aforementioned locations.

Summary of Proposals

10. One TRO was advertised as part of this scheme and proposed the revocation of the prohibition of cycling byelaws covering School Lane and the footbridge spanning the railway line situated between Marlborough Road and Victoria Road. The TRO was formally advertised for comment on 12 June 2012. The Council's closing date for receipt of objections or other representations to the advertised TRO, together with the grounds on which they were made, was 9 July 2012.
11. A plan, showing the extent of the prohibition of cycling byelaws it is proposed to revoke, is attached as **Appendix 1**.

Summary of Responses

12. A total of nine items of correspondence have been received in response to the proposals contained within the advertised TRO. Of the nine items of correspondence received, six expressed support for the Council's proposals whilst the remaining three items of correspondence objected to the Council's proposals. Of the three objections received, two focus solely on the prohibition of cycling on the footbridge spanning the railway lane whilst the remaining objection focuses on the prohibition of cycling covering School Lane.
13. A summary of the correspondents who wrote in support of the advertised TRO is attached as **Appendix 2**. A summary of the correspondents who wrote in opposition to the advertised TRO is attached as **Appendix 3**. A full summary of the comments raised by objectors, together with officer comments, is attached as **Appendix 4**. The substantive issues raised by the objectors are detailed below.

Revocation of the Prohibition of Cycling on the Footbridge Spanning the Railway Line

14. The items of correspondence oppose the Council's proposals at this location on the grounds that it would be unsafe for pedestrians to remove the prohibition of cycling due to the design of the footbridge and the existing level of pedestrian use it receives; specifically:
- The bridge is too narrow to allow a pedestrian and cyclist to safely pass each other.
 - The bridge is well used by a number of different groups of pedestrians (including amongst others school children and train spotters) and its use by pedestrians results in the bridge becoming obstructed.

Revocation of the Prohibition of Cycling Covering School Lane

15. The item of correspondence opposes the council's proposals at this location on the grounds that it would be unsafe for pedestrians to remove the prohibition of cycling due to the narrowness of the northern end of School Lane, the blind access into Belle Vue Road and the presence of alternative routes.

Council's Response to the Objections

Revocation of the Prohibition of Cycling on the Footbridge Spanning the Railway Line

16. The footbridge spanning the railway line is a raised single span bridge. This means that the bridge has small ramps leading to / from the main span of the footbridge. The footbridge is 1.4 metres wide. Photos of the footbridge are attached at **Appendix 5**. As can be seen from the photos there is currently no signage in situ indicating to cyclists that cycling over the footbridge is prohibited. This has been the case since at least April 2009 as the Google Street View survey undertaken at this time shows there to be no signage in situ and checks with the Council's local highway maintenance office indicate that they have not provided any such signage in the intervening period. Effectively, this means that the signage of the prohibition of cycling restriction over the footbridge has been insufficient since at least April 2009 to allow the Police to undertake enforcement against cyclists who contravene the Order.
17. Using April 2009 as a base date there have been no complaints or concerns raised about cyclists using the footbridge spanning the railway line received by Wiltshire Council Highway Officers until such time as the TRO proposing the byelaw be removed was advertised. Similarly, there have been no such complaints or concerns raised since the closing date for comments on the TRO passed. This would suggest a general acceptance of (or apathy towards) cyclists using the footbridge by the public at large.
18. There have been no collisions resulting in personal injury recorded as occurring on the footbridge since April 2009 (nor any in the five years prior to that date) and no complaints about cyclists using the footbridge reported to the Police based on the Wiltshire Crime Map since the map came into existence in December 2010. These facts would seem to indicate that for at least five years pedestrians and cyclists have been using the footbridge without issue. There is no reason to believe that removing the prohibition of cycling restriction covering the footbridge would change this situation.

19. As is pointed out in the comments received the width of the footbridge is too narrow to allow a pedestrian and a cyclist to pass each other when using the bridge at the same time and the safety concerns that this raises are completely understandable. However, the narrowness of the bridge is why it is considered possible to remove the prohibition of cycling covering it. As explained above, the footbridge is too narrow to allow a pedestrian and a cyclist to pass each other when using the bridge at the same time and means that when a cyclist and a pedestrian (or a group of pedestrians) wish to use the footbridge at the same time one has to yield to the other. Given that this is what currently happens in respect of the use of the footbridge, the removal of the prohibition of cycling restriction will not diminish its safe use.

Revocation of the Prohibition of Cycling Covering School Lane

20. Photos of School Lane are attached as **Appendix 6**. As can be seen from the photos, there is currently no signage in situ indicating to cyclists that cycling along School Lane is prohibited. This has been the case since at least April 2009 as the Google Street View survey undertaken at this time shows there to be no signage in situ and checks with the Council's local highway maintenance office indicate that they have not provided any such signage in the intervening period. Effectively, this means that the signage of the prohibition of cycling restriction covering School Lane has been insufficient since at least April 2009 to allow the Police to undertake enforcement against cyclists who contravene the matter.
21. Using April 2009 as a base date there have been no complaints or concerns raised about cyclists using School Lane received by Wiltshire Council Highway Officers until such time as the TRO proposing the byelaw be removed was advertised. Similarly, there have been no such complaints or concerns raised since the closing date for comments on the TRO passed. This would suggest a general acceptance of (or apathy towards) cyclists using School Lane by the public at large.
22. There have been no collisions resulting in personal injury recorded as occurring on School Lane since April 2009 (nor any in the five years prior to that date) and no complaints about cyclists using School Lane reported to the Police based on the Wiltshire Crime Map since the map came into existence in December 2010. These facts would seem to indicate that for at least five years pedestrians and cyclists have been using School Lane without issue. There is no reason to believe that removing the prohibition of cycling restriction covering School Lane would change this situation.
23. As is pointed out in the comments received, School Lane is considerably narrower at its northern end than its southern end. At its southern end School Lane is over 4.0 metres wide but narrows along its length to 1.85 metres at its northern end. Highway design standards state that the minimum width a shared use path can be is 2.0 metres wide but the preferred width of shared use paths is 2.5 metres or greater. Therefore, the correspondents' concerns about the width of the northern end of School Lane are partially justified.
24. School Lane only drops below 2.0 metres in width over its final 15 metres (by the pedestrian access to College Street Car Park). The rest of the path is technically wide enough to allow shared use. In consideration of the information outlined in paragraphs 20-22 above it would be inappropriate to retain a prohibition of cycling over such a short length of School Lane. If the prohibition of cycling is removed, the Council will monitor the use of School Lane by cyclists and if problems arise will consider the introduction of physical measures to control cyclists' use of School Lane.

25. At its northern end School Lane exits onto the footway on the southern side of Belle Vue Road. Effectively, the exit forms a T-junction arrangement. As can be seen from the photos in **Appendix 6** there is limited visibility at this location. The limited visibility at this location affects both pedestrians and cyclists alike. Cyclists using this path will have to slow down as they seek to exit School Lane to make sure they do not collide with a pedestrian using Belle Vue Road because if there was a collision the cyclist would be as likely to cause an injury to himself as he would to the pedestrian. Again, in consideration of the information outlined in paragraphs 21 and 22 above it would seem, despite the correspondents' concerns, that the exit onto Belle Vue Road is not currently causing any particular problems. If the prohibition of cycling is removed the Council will monitor the exit from School Lane onto Belle Vue Road and should problems arise will consider the introduction of physical measures to control access and egress.
26. As the correspondents state in their comments, alternative routes into the City Centre that avoid using School Lane do exist. The suggested routes go via the path to the rear of the Salisbury Arts Centre or through the grounds adjacent to the Council's Bourne Hill Office. Whilst neither of the routes suggested are on land that forms part of the public highway, it is accepted that they are widely used by pedestrians and cyclists. The presence of these routes as options for both pedestrians and cyclists undoubtedly serves to reduce the number of pedestrians and cyclists using School Lane and will continue to do so.

Main Considerations for the Council

27. The main consideration for the Council is the need to balance pedestrian safety against promoting sustainable modes of travel.

Safeguarding Considerations

28. There is no risk to the Council as a result of these proposals.

Public Health Implications

29. The revocation of the prohibition of cycling byelaws would help to provide improved cycling routes in Salisbury. The provision of improved cycle routes will help people in Wiltshire to live healthy and active lives, help to reduce traffic congestion and improve air quality.

Environmental Impact of the Proposal

30. There are none in this scheme.

Equalities Impact of the Proposal

31. There are none in this scheme.

Risk Assessment

32. There is no risk to the Council as a result of these proposals.

Financial Implications

33. There is an allocation in the 2014-2015 Local Transport Plan (LTP) Integrated Transport budget which allows for the introduction of this TRO. Should the scheme not progress, the funding would be returned to the Council's LTP Integrated Transport budget allocation and would be available to be put towards other schemes.

Legal Implications

34. This scheme requires the processing of a TRO. The process of introducing a TRO is governed by the Road Traffic Regulation Act 1984 and associated procedural regulations. Failure to adhere to the statutory processes could result in the restrictions being successfully challenged in the High Court.

Options Considered

35. To:
- (i) Implement the proposals as advertised.
 - (ii) Abandon the proposals.

Reason for Proposals

36. The removal of the prohibitions on cycling will help to contribute to the Council's policy of promoting the use of sustainable modes of travel. This policy helps to reduce traffic congestion, improve air quality and promotes healthy and active lives.
37. The prohibition of cycling restrictions can be reintroduced or physical controls implemented should it be found that significant problems arise with the use of School Lane or the footbridge over the railway line by cyclists as a result of the revocation of the prohibition of cycling byelaws.

Proposals

38. That:
- (i) The TRO be implemented as advertised.
 - (ii) Supporters and objectors be informed accordingly.

The following unpublished documents have been relied on in the preparation of this Report:

Letters of support
Letters of objection